

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schofield	
Application No.: 09/931,643	Group Art Unit: 2633
Filed: 08/15/2001	
Title: Optical Switch Router	Examiner: Leung
Attorney Docket No.: 13071BAUS02U 120-173	

DIRECTOR
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO THE DIRECTOR FOR THE SUSPENSION OF RULES UNDER
37 C.F.R. §1.183

Dear Sir/Madam:

In response to the Petition Decision of January 29, 2007, Applicant hereby petitions the Commissioner to waive the requirements of 37 C.F.R. §1.48(a)(2) that require each party that is removed as an inventor from an application to provide a statement that the error in inventorship occurred without deceptive intention on his or her part.

As shown in the evidence provided in the October 25, 2002 petition, Applicant was unable, after diligent effort to receive a response from the particular inventor whose name was erroneously included in the declaration paperwork and that Applicant seeks to delete as an inventor (Andre Fredette). In particular, in addition to numerous other requests, Applicant requested a signature from Mr. Fredette via certified mail, including a self-addressed stamped envelope, but received no response. Applicant provided an affidavit of diligence pursuant 37 C.F.R. §1.46(a). Because of the inability to receive the response from Mr. Fredette despite diligent efforts, Applicant hereby requests the requirement of 37 C.F.R. §1.48(a)(2) be waived.

In addition, Applicant hereby requests that the case be allowed to complete issue.

The commissioner is authorized to charge any fee that is required for this petition under §1.17(f) to be charged to deposit account 502569.

Respectfully Submitted,

____February 6, 2007_____
Date

____/Lindsay G. McGuinness/_____
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